

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4.

Applicants: Yasunori CHIBA et al.

Title: NOVEL YEAST MUTANTS AND PROCESS FOR  
PRODUCING GLYCOPROTEIN CONTAINING  
MAMMALIAN TYPE SUGAR CHAIN

Appl. No.: 10/049,887

Filing Date: 09/20/2002

Examiner: Unassigned

Art Unit: Unassigned

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO  
ACID SEQUENCE DISCLOSURES**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements mailed on May 21, 2002, enclosed are copies of the Sequence Listing and Statement to Support Filing and Submission in accordance with 37 C.F.R. §§ 1.821-1.825. Also enclosed is a diskette containing the Sequence Listing in computer readable form.

Applicants respectfully request examination of the instant application on the merits in due course.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By S. A. Bent

Date September 20, 2002

FOLEY & LARDNER  
Customer Number: 22428



22428

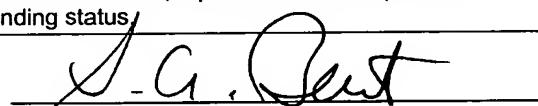
PATENT TRADEMARK OFFICE

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Stephen A. Bent  
Attorney for Applicants  
Registration No. 29,768

FORM PTO-1390 (Modified) (REV 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			081356-0168	
				U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/049,887
INTERNATIONAL APPLICATION NO. PCT/JP00/05474	INTERNATIONAL FILING DATE 08/16/2001		PRIORITY DATE CLAIMED 08/19/1999	
TITLE OF INVENTION NOVEL YEAST MUTANTS AND PROCESS FOR PRODUCING GLYCOPROTEIN CONTAINING MAMMALIAN TYPE SUGAR CHAIN				
APPLICANT(S) FOR DO/EO/US Yasunori CHIBA, Mami KAINUMA, Makoto TAKEUCHI, Nagako KAWASHIMA, Satoshi YOSHIDA, Shigeyuki YAMANO, Yoshifumi JIGAMI, Tomoko ISHII, and Yoh-ichi SHIMMA				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
1. <input type="checkbox"/>	This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.			
2. <input checked="" type="checkbox"/>	This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.			
3. <input type="checkbox"/>	This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).			
4. <input type="checkbox"/>	A proper Demand for International Preliminary Examination was made by the 19 <sup>th</sup> month from the earliest claimed priority date.			
5. <input type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> has been transmitted by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)			
6. <input type="checkbox"/>	A translation of the International Application into English (35 U.S.C. 371(c)(2)).			
7. <input type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been transmitted by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made.			
8. <input type="checkbox"/>	A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).			
9. <input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).			
10. <input type="checkbox"/>	A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
11. <input type="checkbox"/>	Applicant claims small entity status under 37 CFR 1.27 .			
Items 12. to 17. below concern other document(s) or information included:				
12. <input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
13. <input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
14. <input type="checkbox"/>	A FIRST preliminary amendment. <input checked="" type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.			
15. <input type="checkbox"/>	A substitute specification.			
16. <input type="checkbox"/>	A change of power of attorney and/or address letter.			
17. <input checked="" type="checkbox"/>	Other items or information: Return copy of Notification of Missing Requirements (2 pages); Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (1 page); Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821-1.825 (2 pages); Sequence Listing (7 pages); Computer Readable Format (CRF) of Sequence Listing; Petition for Extension of Time (1 page).			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50 10/049,887		INTERNATIONAL APPLICATION NO. PCT/JP00/05474		ATTORNEY'S DOCKET NUMBER 081356-0168		
18. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY		
Basic National Fee (37 CFR 1.492(a)(1)-(5): Search Report has been prepared by the EPO or JPO.....\$890.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$710.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00 Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1,040.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$100.00						
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$0.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 Months from the earliest claimed priority date (37 CFR 1.492(e))						
Claims	Number Filed	Included in Basic Fee	Extra Claims		Rate	
Total Claims	0	-	20	= 13	× \$18.00	\$234.00
Independent Claims	0	-	3	= 0	× \$84.00	\$0.00
Multiple dependent claim(s) (if applicable)				\$280.00		\$280.00
TOTAL OF ABOVE CALCULATIONS =						\$514.00
Reduction by ½ for filing by small entity, if applicable.						\$0.00
SUBTOTAL =						\$514.00
Petition for Two (2) Month Extension of Time				+		\$400.00
TOTAL NATIONAL FEE =						\$914.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +						
TOTAL FEES ENCLOSED =						\$914.00
09/24/2002 GREFY1 00000027 10049887				Amount to be: refunded	\$	
01 FC:966	234.00 OP			charged	\$	
02 FC:968	280.00 OP					
03 FC:116	400.00 OP					
a. <input checked="" type="checkbox"/> A check in the amount of \$914.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of \$0.00 to the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u> . A duplicate copy of this sheet is enclosed.						
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.						
SEND ALL CORRESPONDENCE TO:  <b>FOLEY &amp; LARDNER</b> Customer Number: 22428  22428 PATENT TRADEMARK OFFICE Telephone: (202) 272-5407 Facsimile: (202) 672-5399						
 SIGNATURE NAME STEPHEN A. BENT REGISTRATION NUMBER 29,768						



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,887	Yasunori Chiba	081356-0168
		INTERNATIONAL APPLICATION NO.
		PCT/JP00/05474
		I.A. FILING DATE
		PRIORITY DATE
Foley & Lardner Washington Harbour 3000 K Street NW Suite 500 Washington, DC 20007-5143		08/16/2001
<b>CONFIRMATION NO. 2894</b> <b>371 FORMALITIES LETTER</b>  <sup>*OC00000008153321*</sup>		

Date Mailed: 05/21/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- **APPLICANT MUST PROVIDE:**
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

SHAKEEL AHMED

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Telephone: (703) 305-3659

PART 2 - OFFICE COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,887	PCT/JP00/05474	081356-0168

FORM PCT/DO/EO/905 (371 Formalities Notice)